

**CHAPTER 7001**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**PERMITS AND CERTIFICATIONS**

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**7001.0020 SCOPE.**

Except as otherwise specifically provided, parts 7001 0010 to 7001 0210 apply to the following:

*[For text of items A to I, see M.R.]*

J An agency permit required for the construction or operation of a substance storage facility which:

- (1) is a major facility as defined in part 7001 4205,
- (2) stores.
  - (a) a substance as defined in part 7001 4205,
  - (b) asphalt; or
  - (c) fuel oil number 6, and
- (3) is not an excluded aboveground storage tank system under part 7151 1300, subpart 2

Part 7001 0080 applies to the permits in this item except that the time period referenced in part 7001 0080 shall be five years instead of three years.

**Statutory Authority:** *MS s 115 03*

**History:** 23 SR 883

**MAJOR FACILITY SUBSTANCE STORAGE PERMITS**

**7001.4200 SCOPE.**

Parts 7001 0010 to 7001 0210 and 7001 4200 to 7001 4250 govern the application procedures, issuance, and conditions of major facility substance storage permits Chapter 7000 shall be construed to supplement parts 7001 0010 to 7001 0210 and 7001 4200 to 7001 4250.

**Statutory Authority:** *MS s 115 03*

**History:** 23 SR 883

**7001.4201 PURPOSE.**

The purpose of parts 7001 4200 to 7001 4250 is to establish a major facility permit for aboveground storage of substances that reasonably ensures proper retention of those substances and detection of entry into any waters of the state in a manner that would be likely to pollute any waters of the state

Safeguards established in the permit shall reflect.

- A the nature, toxicity, viscosity, and quantity of the substance being stored,
- B the potential for a storage tank system to fail,
- C the potential for the failure of a storage tank system to have an adverse impact on the waters of the state,
- D. the hydrogeologic setting of the facility, including the thickness of and permeability of soils present between the tank system and groundwater,
- E. factors that influence the quality and mobility of the stored substance and the potential for it to migrate to surface water or groundwater, and

F any other factors necessary to prevent, control, or abate water pollution

**Statutory Authority:** *MS s 115.03*

**History:** 23 SR 883

#### 7001.4205 DEFINITIONS.

Subpart 1 **Scope.** The definitions in parts 7001.0010 and 7151.1200 apply to the terms used in parts 7001.4200 to 7001.4250 unless the terms are defined in this part

Subp 2 **Major facility.** "Major facility" means an assemblage of one or more above-ground storage tanks, including any indoor tanks, together with any associated secondary containment areas, appurtenances, and substance transfer areas, that are located at a single property or multiple contiguous properties and where the total substance design storage capacity of all such tanks at the site is 1,000,000 gallons or greater.

Subp 3 **Major facility permit.** "Major facility permit" means a permit issued by the agency to a major facility pursuant to this chapter. Any tank meeting the definition of indoor tank is excluded from regulation under the terms and conditions of a major facility permit

Subp 4 **Substance.** "Substance" means any liquid material which is not gaseous or solid at ambient temperature and pressure that would be likely to pollute any waters of the state

**Statutory Authority:** *MS s 115.03*

**History:** 23 SR 883

#### 7001.4210 INCORPORATIONS BY REFERENCE.

Subpart 1 **Scope.** For purposes of this chapter, the documents in subpart 2 are incorporated by reference. The documents are not subject to frequent change. They are available at:

- A. the address shown in subpart 2; and
- B. the agency library through the Minitex interlibrary loan system.

Subp. 2 **Referenced Standards.** The documents incorporated by reference in this chapter are as follows. American Petroleum Institute (API), 1220 L Street Northwest, Washington, DC 20005.

- A 650, Welded Steel Tanks for Oil Storage, Ninth Edition (1993);
- B 651, Cathodic Protection of Aboveground Petroleum Storage Tanks, First Edition (1991);
- C 652, Lining of Aboveground Petroleum Storage Tank Bottoms, First Edition (1991), and
- D 653, Tank Inspection, Repair, Alteration, and Reconstruction, Second Edition (1995)

**Statutory Authority:** *MS s 115.03*

**History:** 23 SR 883

#### 7001.4215 PERMIT APPLICATION AND PUBLIC COMMENT.

Subpart 1 **Public notice and comment.** If the permit applicant requests or the agency determines that issuance, reissuance, or modification of a permit involves issues that generate or are likely to generate significant material adverse comment from the public, based on previous adverse public comment on the proposed permit or related issues, the procedures in items A to C, prior to issuance, reissuance, or modification of the permit, apply

A The agency shall give notice

(1) by posting the notice in the post office, public library, or other buildings used by the general public in the designated geographical area,

(2) by posting the notice at or near the entrance of the applicant's premises, if located near the facility or activity that is the subject of the permit application,

(3) by publishing the notice in one or more newspapers or periodicals of general circulation in the designated geographical area, or

(4) by publishing the notice in a manner constituting legal notice to the public

**B. The notice must identify**

- (1) the name and location of the facility to be permitted;
- (2) the name and address of the permittee,
- (3) the name and address of the agency,
- (4) the activity or activities proposed to be permitted,
- (5) the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, and all other materials available to the agency that are relevant to the permit decision,
- (6) a brief description of the comment procedures required by this part, and
- (7) the time and place of any meeting or hearing that may be held, including a statement of procedures to request a meeting or hearing under item C, unless a meeting or hearing has already been scheduled.

**C** The agency shall provide at least 30 days for public comment and shall give notice of any public informational meeting or contested case hearing at least 30 days in advance of the meeting or hearing. The provisions of part 7001 0110 apply to public comments received under this part.

**Statutory Authority:** *MS s 115 03*

**History:** *23 SR 883*

**7001.4220 PERMIT APPLICATION.**

If the applicant is requesting the issuance, modification, revocation and reissuance, or reissuance of a major facility substance storage permit, the applicant shall submit the following information to the commissioner.

**A.** the information required by part 7001 0050;

**B** for each outdoor tank system:

- (1) tank number,
  - (2) substance stored,
  - (3) design capacity in gallons,
  - (4) year of tank's installation;
  - (5) status of tank as active or out of service under part 7151 8200,
  - (6) tank construction material;
  - (7) method of tank fabrication (field-erected or shop-fabricated);
  - (8) tank wall construction,
  - (9) tank floor construction;
  - (10) substance level gauging mechanism;
  - (11) overfill protection system on tank,
  - (12) corrosion protection system for the underside of each tank floor,
  - (13) leak detection system,
  - (14) aboveground and underground piping location, fabrication, and preventative safeguards,
  - (15) date of the most recent out-of-service inspection and the method used to evaluate the tank,
  - (16) the scheduled or estimated date of the next out-of-service inspection;
- and
- (17) secondary containment area information including
    - (a) containment area number,
    - (b) tank number of each tank within the containment area,
    - (c) volume in gallons of the secondary containment area,
    - (d) construction materials including the dike walls and basin area, and
    - (e) the permeability factor of the materials used to construct the containment area.

## C for each indoor tank

- (1) tank number,
- (2) substance stored;
- (3) design capacity in gallons, and
- (4) indoor containment method,

## D site geology information

- (1) average or estimated depth to groundwater,
- (2) native soil classification, between surface and groundwater,
- (3) the calculated or estimated vertical permeability of native soil, not including any containment liner,
- (4) average or estimated depth to bedrock,
- (5) bedrock type and formation name, and
- (6) existing tank or pipe-related site contamination or any investigation indicating no contamination; and

E any additional information necessary to process the major facility permit application

**Statutory Authority:** *MS s 115 03*

**History:** *23 SR 883*

### 7001.4230 RETENTION OF TANK AND SUBSTANCE TRANSMISSION LINE RECORDS.

If a substance storage facility is required to obtain a major facility permit under this chapter, the permittee shall retain, if explicitly required by the terms and conditions of the permit, the following data on file at the facility for the retention times specified

## A for each field-erected tank

- (1) external inspection results, for five years,
- (2) internal inspection final reports, for the life of the tank;
- (3) specifications for the tank floor coating, for the life of the coating;
- (4) design specifications, including anode and rectifier placement, for the cathodic protection system, for the life of the system,
- (5) record of results of all bimonthly rectifier reading results and annual cathodic protection surveys; for three years;
- (6) specifications for the tank gauging system, for the life of the system,
- (7) daily gauge readings, for three years,
- (8) specifications for the overflow protection system, for the life of the system,
- (9) record of results of annual testing or calibration of the gauging and overflow protection systems, for one year,
- (10) records of leak testing, including date, method, operator, and results, for three years, and
- (11) records of any major tank modifications or repairs, for the life of the tank,

## B for each underground substance transmission line

- (1) information addressing the line segment, including age, material, diameter, location shown on a scaled map, type of service, pressure rating, and any special conditions of service, for the life of the line;
- (2) specifications for any leak safeguards, such as pipe coating or wrapping, cathodic protection, double walled, or leak detection system, for the life of the safeguard, and
- (3) record of results of inspections and leak tests, including date, method, operator, and results, for three years; and

C for each secondary containment area records of daily visual inspections, for one year

Unless otherwise addressed in the terms and conditions of the permit, the major facility permittee shall retain all data specified in this part. The permittee shall, upon agency request, make the data available to the agency for viewing and copying.

**Statutory Authority:** *MS s 115 03*

**History:** 23 SR 883

**7001.4240 REDUCTION OR INCREASE OF SUBSTANCE STORAGE CAPACITY.**

**Subpart 1 Major facilities which reduce substance storage capacity.** Any major facility operating pursuant to a major facility permit under this part, which reduces substance storage capacity so as to no longer meet the definition of a major facility under part 7001.4205, subpart 2, shall continue to comply with all terms and conditions of the major facility permit until the expiration of the permit.

**Subp 2. Facilities which increase substance storage capacity.** Any substance storage facility which does not meet the definition of a major facility under part 7001.4205, subpart 2, on November 2, 1998, which proposes to increase substance storage capacity so as to meet the definition of a major facility, shall apply for and obtain a major facility permit under this part prior to increasing storage of substances at the facility.

**Statutory Authority:** *MS s 115 03*

**History:** 23 SR 883

**7001.4250 NOTIFICATION REQUIREMENTS FOR FIELD-ERECTED TANKS.**

The notification required for field-erected tanks is as described in items A to C.

A. Except as provided in item B, the permittee shall notify the commissioner, in writing, at least 60 days prior to implementation of any of the following:

(1) construction or installation of any of the following:

(a) a new field-erected aboveground storage tank;

(b) a new underground substance transmission line appurtenant to an aboveground storage tank;

(c) a new floor in an existing field-erected aboveground storage tank,

(d) a secondary containment system for a field-erected aboveground storage tank,

(e) a cathodic protection system for a field-erected aboveground storage tank or for an underground line,

(f) an internal coating for a field-erected aboveground storage tank, or

(g) a release detection system for a field-erected aboveground storage tank.

(2) relocation of a field-erected aboveground storage tank,

(3) return to service of a closed field-erected aboveground storage tank;

(4) deviations from American Petroleum Institute standards 650, 651, 652, and 653, if applicable,

(5) change of substance stored in tank, or

(6) deviation from schedules contained in the permit.

B. The permittee need not notify the commissioner of any construction or installation of a type listed in item A which is specifically required by the permit or excluded by the terms and conditions of the permit.

C. The permittee shall obtain the commissioner's written approval prior to placing any new field-erected tank or underground transmission line into service, returning to service any field-erected tank closed at the time of issuance of the permit, or deviating from schedules contained in the permit. The commissioner shall respond, in writing, within 30 days of receipt of the permittee's written request.

**Statutory Authority:** *MS s 115 03*

**History:** 23 SR 883

**7001.4300 VARIANCES.**

Any person who applies for a variance from any requirement of parts 7001.4200 to 7001.4250 shall comply with part 7000.7000. An application for a variance must be acted on

by the agency pursuant to part 7000 7000 and Minnesota Statutes, section 116 07, subdivision 5. However, no variance may be granted that would result in noncompliance with applicable federal rules and regulations for aboveground storage tanks

**Statutory Authority:** *MS s 115 03*

**History:** 23 SR 883